

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

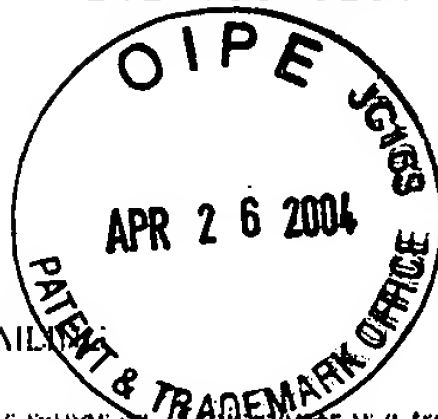
Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**



CERTIFICATE OF MAILING

I hereby certify that this paper or ~~the paper~~ is a ~~to~~ transmittal letter, every
~~other paper or fee referred to therein~~, is being deposited with the U.S. Postal
 Service as first class mail in an envelope addressed to Commissioner of
 Patents & Trademarks, Washington, DC 20231, on

(Date of deposit)

Date

Name

Docket No: 3368/1D888-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Charles ROGLER

Serial No.: 09/344,189

Art Unit: 1632

Filed: JUNE 24, 1999

Examiner: P. Paras, Jr.

For: **CHRONIC HEPATITIS VIRUS INFECTION AND CLONAL HEPATOCELLULAR
 CARCINOMA IN MOUSE REPOPULATED WITH LIVERS**

Honorable Commissioner of
 Patents and Trademarks
 Washington, D.C. 20231

STATEMENT OF JOERG PETERSEN UNDER 37 C.F.R. §1.48(a)

Sir:

I, JOERG PETERSEN, declare and state that:

1. I was not named as an original inventor at the time the above-identified application was filed in the United States Patent and Trademark Office, through error without any deceptive intent on my part.

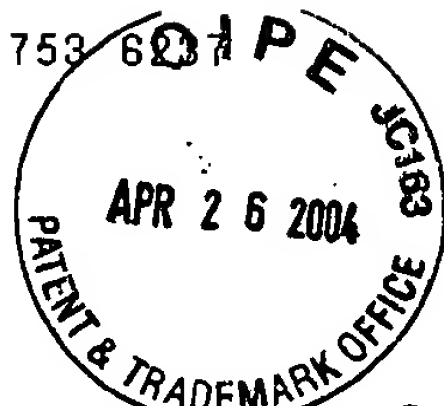
2. I am an inventor of at least one of the pending claims in the application.

3. The actual inventors of the invention claimed in the application are (1) Charles E. Rogler, 525 Warren Avenue, Hawthorne, New York, 10532; and (2) Joerg Petersen, Hamburg, GERMANY.

Date

Joerg Petersen

RECEIVED
 APR 29 2004
 USPTO/JCWS



EXPRESS MAIL CERTIFICATE

Date 3-12-01 Label No. 2706723329 US

I hereby certify that, on the date indicated above, the paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.

G KARASZI G Karaszi
Name (Print) Signature

PLEASE CHARGE ANY DEFICIENCY UP TO \$310.00 OR CREDIT
ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR
DEPOSIT ACCOUNT NO. 04-0100

Docket No: 3368/ID888-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Charles E. ROGLER

Serial No.: 09/344,189

Art Unit: 1632

Filed: June 24, 1999

Examiner: P. Paras, Jr.

For: **CHRONIC HEPATITIS VIRUS INFECTION AND CLONAL HEPATOCELLULAR
CARCINOMA IN MOUSE REPOPULATED LIVERS**

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48(a)

Hon. Commissioner of
Patents and Trademarks
Washington, DC 20231

March 12, 2001

Sir:

This is a Request pursuant to 37 C.F.R. §1.48(a) to add an omitted inventor to the above-identified application.

As originally filed, the above identified application names Charles E. Rogler as the inventor. The present Request seeks to add Joerg Petersen, a citizen of the Federal Republic of

Germany residing in Hamburg, Germany as an inventor. On information and belief, the inventorship error in originally omitting Dr. Petersen in this application occurred without any deceptive intent on the part of Dr. Petersen.

The Request is supported by the accompanying:

(a) Statement from Dr. Petersen that the error in inventorship occurred without deceptive intention on his part;

(b) Declaration and Power of Attorney executed by both inventors;

(c) Consent of Assignee; and

(d) Assignment from Dr. Petersen.

The required fee of \$130 fee set forth in 37 C.F.R. §1.17(i) is enclosed.

Accordingly, this Request should be granted.

Respectfully submitted,



Mitchell Bernstein, Ph.D.

Reg. No. 46,550

Agent for Applicants

DARBY & DARBY, P.C.
805 Third Avenue
New York, N.Y. 10022
Phone (212) 527-7700

M:\3168\1D888\1D888.WPD

Serial No. 09/344,189
Request to Correct Inventorship

Docket No. 3368/1D888-US1

Page 2



Docket No.: 3368/1D888US1

DECLARATION AND POWER OF ATTORNEY
(Continuation-In-Part Application)

As a below named inventor, I declare that:

1. The information given herein is true, and I believe that I am the original, first and sole inventor (if only one name is listed below), or a joint inventor (if plural inventors are named below), of the invention entitled:

CHRONIC HEPATITIS VIRUS INFECTION AND CLONAL HEPATO-CELLULAR CARCINOMA IN MOUSE REPOPULATED LIVERS

which is described and claimed in:

- ☐ the attached specification or
- ☒ the specification in application
Serial No. 09/344,189
Filed: June 24, 1999
(for declaration not accompanying application);

2. This application in part discloses and claims new subject matter as well as subject matter disclosed in my earlier-filed application(s)

Serial No. 09/156,892
Filed: September 18, 1998
For: CHRONIC HEPATITIS VIRUS INFECTION AND
CLONAL HEPATOCELLULAR CARCINOMA IN
MOUSE REPOPULATED LIVERS

3. I acknowledge my duty to disclose information of which I am aware which is material to patentability in accordance with 37 C.F.R. §1.56, including such material information which occurred between the filing date of said earlier application and the filing date of this application.

4. I have reviewed and understand the contents of the specification, including the claims, as amended by any amendment specifically referred to herein.

5. As to the subject matter of this application which is common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our

PTO-103X
(Rev. 8-89)FILING RECEIPT
CORRECTED

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRAWGS	TOT CL	IND CL
09/344,189	06/24/99	1632	\$1,256.00	0342/1D888US1	6	36	4

DARBY & DARBY
ANNE E ZITRON PH D
805 THIRD AVENUE
NEW YORK NY 10022

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) CHARLES E. ROGLER, HAWTHORNE, NY.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A CIP OF 09/156,892 09/18/98

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 07/16/99

TITLE

CHRONIC HEPATITIS VIRUS INFECTION AND CLONAL HEPATOCELLULAR CARCINOMA
IN MOUSE REPOPULATED LIVERS

PRELIMINARY CLASS: 800

please add:

Joerg Petersen, Hamburg, Germany

Computer DP
D&D Entry DP
Looseleaf DP
Folder DP
Card DP
Letter TCR
Foreign Flg. DP

DATA ENTRY BY: GENTRY, CHRISTINE TEAM: 01 DATE: 09/13/99

(See reverse for new important information)

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper or, if this paper is a transmittal letter, every other paper or letter referred to therein is being facsimile transmitted to the Commissioner for Patents & Trademarks at the United States Patent and Trademark Office, Alexandria, VA 22313-1450, at 703-308-7751 on the date shown below.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

4/26/04 Date
Daisy Perez Name
Daisy Perez Signature

Customer No.: 07278

Docket No.: 03368/100D888US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Charles E. Rogler et al.

Serial No.: 09/344,189

Filed: June 24, 1999

For: CHRONIC HEPATITIS VIRUS INFECTION AND CLONAL HEPATOCELLULAR
CARCINOMA IN MOUSE REPOPULATED LIVERS

REQUEST FOR CORRECTED FILING RECEIPT

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error with respect to the following data, which is:

☐ incorrectly entered

and/or

☒ omitted.

{W:\03368\100D888000\00173291.DC C [REDACTED]}

Error in

Omitted data

- ☒ Applicant's name
☐ Applicant's address
☐ Title
☐ Filing Date
☐ Application Number
☐ Foreign/PCT Application No.
☐ Other

Joerg Petersen, Hamburg, Germany

Remarks:

Enclosed please find copies of Request to Correct Inventorship, Statement of Joerg Petersen and Declaration all mailed March 2, 2001.

Since the payment of the issue fee is due on June 24, 2004 the Commissioner is respectfully requested to expedite the issuance of a new and correct Filing Receipt.

Respectfully submitted,

Dated: April 23, 2004

FLYNN BARRETON

(53,970)



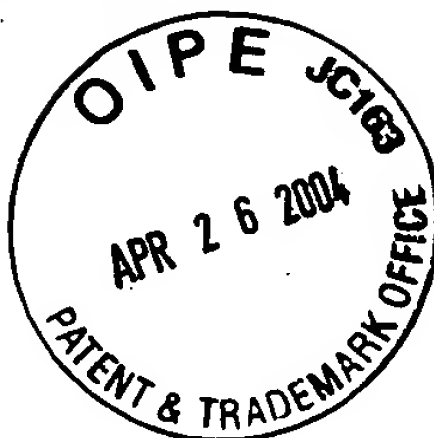
Marie Gillfillan
Reg. No. 44,085
Agent for Applicant(s)

DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
212-527-7700

B

**DARBY &
DARBY**

Professional Corporation

**NEW YORK**
805 Third Avenue
New York, NY 10022
Tel: 212.527.7700
Fax: 212.753.6237**SEATTLE**
1191 Second Avenue
Seattle, WA 98101
Tel: 206.262.8900
Fax: 206.262.8901**INTELLECTUAL PROPERTY LAW**DATE: April 26, 2004FILE #: 03368 / 100D888US1

FROM: Marie Gilfillan

E-MAIL: mgilfillan@darbylaw.com

PHONE: 212.527.7764

NO. OF PAGES: 10
(including cover page)

FACSIMILE NO.	RECIPIENT AND COMPANY	CONFIRMATION WILL FOLLOW
703-308-5065	The United States Patent and Trademark Office Corrected Filing Receipt Division	N

COMMENTS:

PLEASE RETURN TO DAISY PEREZ*** IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE US IMMEDIATELY AT 212.527.7774**

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE SO THAT WE CAN ARRANGE FOR THE RETRIEVAL OF THIS DOCUMENT AT NO COST TO YOU. THANK YOU.

invention thereof, or more than one year prior to said earlier application or in public use or on sale in the United States of America more than one year prior to said earlier application; said common subject matter has not been patented or made the subject of an inventor's certificate issued before the date of said earlier application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to said earlier application. As to the subject matter of this application which is common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any application(s) for patent or inventor's certificate listed below. All applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed as to the common subject matter are also identified below.

PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
----------------	------------------------	-----------------------

ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
----------------	------------------------	-----------------------

6. As to the new subject matter of the present application which is not common to said earlier application I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in a printed publication in any country before my or our invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States of America more than one year prior to the date of the present application, and said matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than

Docket No. 3368/1D888-US1

twelve months prior to the date of this application. As to the new subject matter of the present application which is not common to said earlier application, I hereby claim the priority benefits under 35 U.S.C. 119 of any application(s) for patent or inventor's certificate listed below. All applications for patent or inventor's certificate on this invention filed by me or my legal representatives or assigns prior to the application(s) of which priority is claimed for the new subject matter are also identified below.

PRIOR APPLICATION(S), IF ANY, OF WHICH PRIORITY IS CLAIMED

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
----------------	------------------------	-----------------------

**ALL FOREIGN APPLICATIONS, IF ANY, FILED PRIOR
TO THE APPLICATION(S) OF WHICH PRIORITY IS CLAIMED**

<u>COUNTRY</u>	<u>APPLICATION NO.</u>	<u>DATE OF FILING</u>
----------------	------------------------	-----------------------

POWER OF ATTORNEY:

As a named inventor, I hereby appoint the following attorney(s) and/or agents(s) to prosecute this application and transact all business in the Patent and Trademark office connected therewith: Gordon D. Coplein #19,165, William F. Dudine, Jr. #20,569, Michael J. Sweedler #19,937, S. Peter Ludwig #25,351, Paul Fields #20,298, Marc S. Gross #19,614, Joseph B. Lerch #20,936, Melvin C. Garner #26,272, Ethan Horwitz #27,648, Beverly B. Goodwin #28,417, Adda C. Gogoris #29,714, Martin E. Goldstein #20,869, Bert J. Lewen #19,407, Henry Sternberg #22,408, Peter C. Schechter #31,662, Robert Schaller #31,194, Robert C. Sullivan, Jr. #30,499, I. J. Levy #35,587, Joseph R. Robinson #33,448, Scott G. Lindvall #40,325

all of the firm of DARBY & DARBY P.C., 805 Third Avenue, New York, NY 10022

SEND CORRESPONDENCE TO:

DARBY & DARBY P.C.
805 Third Avenue
New York, NY 10022

DIRECT TELEPHONE CALLS TO:

Mitchell Bernstein

212-527-7708

Docket No. 3368/1D888-US1

FULL NAME AND RESIDENCE OF INVENTOR 1

LAST NAME: ROGLER FIRST NAME: Charles MIDDLE NAME: E.
CITY: ~~Hawthorne~~ STATE OR FOREIGN COUNTRY: New York COUNTRY OF CITIZENSHIP: USA
~~Carmel~~
POST OFFICE ADDRESS: ~~525 Waverly Avenue~~ CITY: ~~Hawthorne~~ STATE OR COUNTRY: New York ZIP CODE: ~~10532~~
42 Blossom Lane Carmel 10512

FULL NAME AND RESIDENCE OF INVENTOR 2

LAST NAME: PETERSEN FIRST NAME: Joerg MIDDLE NAME:
CITY: STATE OR FOREIGN COUNTRY: Germany COUNTRY OF CITIZENSHIP: Germany
POST OFFICE ADDRESS: CITY: STATE OR COUNTRY: Germany ZIP CODE:

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1:


Charles E. ROGLER

DATED: 3/7/2001

SIGNATURE OF INVENTOR 2:


Joerg PETERSEN

DATED: February 16, 2001